

EXPEDITED CONSIDERATION REQUESTED

BEFORE THE
SURFACE TRANSPORTATION BOARD

234432

TOTAL PETROCHEMICALS &
REFINING USA, INC.

Complainant,

v.


CSX TRANSPORTATION, INC.

Defendant.

ENTERED
Office of Proceedings
June 20, 2013
Part of
Public Record

Docket No. NOR 42121

MOTION TO EXTEND THE TIME PERMITTED FOR REPLY

 GRANTED Office of Proceedings	DECISION ID NO.: <u>43170</u>
	DECIDED DATE: <u>6/21/13</u>
	SERVICE DATE: <u>6/21/13</u>
	APPROVED: <u>Richard Armstrong</u> Acting Director
	<input checked="" type="checkbox"/> <u>Deadline for replies</u> <u>extended to 7/24/13</u>

Jeffrey O. Moreno
David E. Benz
Thompson Hine LLP
Suite 700
1919 M Street N.W.
Washington, D.C. 20036
Phone: (202) 331-8800
Fax: (202) 331-8330

June 20, 2013

EXPEDITED CONSIDERATION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**TOTAL PETROCHEMICALS &
REFINING USA, INC.**

Complainant,

v.

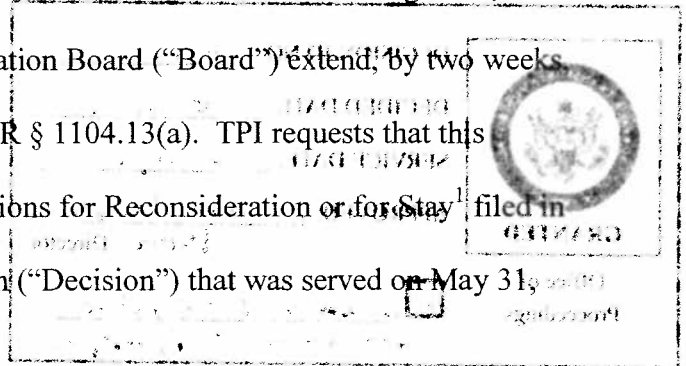
CSX TRANSPORTATION, INC.

Defendant.

Docket No. NOR 42121

MOTION TO EXTEND THE TIME PERMITTED FOR REPLY

Pursuant to 49 CFR § 1117.1, complainant Total Petrochemicals & Refining USA, Inc. ("TPI") hereby requests that the Surface Transportation Board ("Board") extend, by two weeks, the twenty-day time period for replies under 49 CFR § 1104.13(a). TPI requests that this extension apply to both parties' replies to any Petitions for Reconsideration or for Stay response to the Board's market dominance decision ("Decision") that was served on May 31, 2013 in this proceeding.



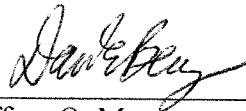
TPI is filing a Petition for Reconsideration of the Decision under separate cover today, and TPI understands that defendant CSX Transportation, Inc. ("CSXT") is also filing a Petition for Reconsideration today. Normally, a reply to such a petition would be due in twenty (20) days, or July 10, 2013. With the two-week extension requested herein, replies would be due July 24, 2013. TPI requests this two-week extension because TPI's primary outside attorney, Jeff

¹ This extension is without prejudice to TPI's position that a Petition for Stay is untimely.

Moreno, will be out of the country from June 21 through July 6. Counsel for CSXT has authorized TPI's counsel to state that CSXT does not oppose the requested two-week extension, and that CSXT will not be filing a reply in response to this Motion to Extend.

For the foregoing reasons, the Board should extend the time permitted for replies as described above.

Respectfully submitted,



Jeffrey O. Moreno
David E. Benz
Thompson Hine LLP
1919 N Street, N.W., Suite 700
Washington, D.C. 20036
(202) 331-8800


June 20, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of June 2013, I served a copy of the foregoing upon counsel for defendant CSXT via electronic mail and U.S. first-class mail, postage prepaid, at the address below:

G. Paul Moates
Paul Hemmersbaugh
Sidley Austin LLP
1501 K Street, NW
Washington, DC 20005

Counsel for CSX Transportation, Inc.



David E. Benz